

MEMORANDUM ENDORSED



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/22/2023

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

JORDAN DOLL
Assistant Corporation Counsel
Phone: (212) 356-2624
Fax: (212) 356-1148
Email: Jdollar@law.nyc.gov

November 20, 2023

BY ECF

Hon. Gregory H. Woods
United States District Judge
Southern District of New York
500 Pearl Street, Room 2260
New York, NY 10007

Re: *E.L., et al. v. New York City Dep't of Educ., et al.*
23-cv-06829-GHW

Dear Judge Woods:

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for Defendants in the above-referenced case. This matter involves claims pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.*, and various other federal statutes in which Plaintiff seeks, *inter alia*, enforcement of an allegedly unimplemented administrative decision issued by an impartial hearing officer for the New York City Department of Education, and an award of reasonable attorney's fees incurred during the underlying administrative proceedings and this federal action. I write to respectfully request an adjournment of the scheduled pretrial conference of 45 days. Plaintiff consents to this request.

By way of brief background, on August 4, 2023 Your Honor scheduled an initial telephonic pretrial conference for this case for October 3, 2023. ECF No. 4. The Notice of the Initial Pretrial Conference also directed the parties to confer, and submit a joint status letter describing the nature of the case and a Proposed Case Management Plan to the Court by September 26, 2023. On August 29, 2023, Your Honor kindly consented to Defendants' motion for an extension of time on consent to respond to the Complaint from August 29, 2023 to October 30, 2023. ECF No. 9. The following month, Your Honor consented to Defendants' request to adjourn the pretrial conference from October 3, 2023 until November 27, 2023, after Defendants submitted the Answer to the Complaint. ECF No. 12. Defendants answered the Complaint on October 30, 2023. ECF No. 13.

While the parties have made significant progress towards a settlement in this case, a payment of \$120.00 relating to tutoring reimbursement awarded by the impartial hearing officer, and attorney's fees for this federal action and the underlying administrative proceeding remain outstanding. It is respectfully submitted that a pretrial conference is not necessary or productive at this juncture as the parties continue to work towards settlement. Defendants are hopeful the parties can resolve the remaining disputed tutoring payment without further judicial intervention. Following the resolution of any alleged outstanding payment related to tutoring services, the only remaining issue will be attorney's fees. As such, Defendants' respectfully request the pretrial conference be adjourned from November 27, 2023 until January 11, 2024, or any other date that week or the following that is convenient for the Court.

This is the second such request Defendants have made to adjourn the pretrial conference. This adjournment does not affect any other deadlines in this case.

I have communicated with Irina Roller, attorney for Plaintiff, who consents to the adjournment requested herein.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/

Jordan Doll
Assistant Corporation Counsel

Application granted. The conference scheduled for November 27, 2023 is adjourned to February 8, 2024 at 10:00 a.m. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 14.

SO ORDERED.

Dated: November 22, 2023

GREGORY H. WOODS
United States District Judge